

creditors have actions against the heirs of Earl of Selkirk to account for the subject of the trust, *renit.* President.

No. 10. 1740, Nov. 21. ANDERSON *against* LAUDER.

THE Lords adhered as to the debt assigned by his father-in-law, which is finding that a trustee for compounding debts must not only communicate the eases of debts he compounds, but must state debts conveyed to him gratuitously by his parents, to which he must succeed, though they were not assigned to him at the same rate.

No. 11. 1741, Feb. 23. KING'S COLLEGE OF ABERDEEN.

See Note of No. 21, *voce* JURISDICTION.

No. 12. 1744, Nov. 9. SINCLAIR of Barrack *against* SINCLAIR of Dun.

FOUND Barrack, by accepting this assignation, liable to use diligence for his own and the defender's relief; but then they thought that diligence only such as he used for his own debts, but did not determine this point.

No. 13. 1747, Nov. 25. CREDITORS OF JAMES DUKE OF HAMILTON
against THE HEIRS OF THE EARL OF SELKIRK, &c.

THE Lords *nem. con.* found action competent upon the trust-deed. Kilkerran and Finwald spoke against the interlocutor, but did not vote. Arniston did not speak, but voted for the interlocutor.

No. 14. 1748, July 6. GORDON of Buckie *against* ANDERSON, &c.

GORDON, as purchaser of the estate of Arradoul, made large payments of part of the price to the creditors ranked, but far within their proportions, till a scheme of division should be made; and among others made a payment to Sir William Gordon of Park, who had adjudged both for himself and as trustee for Helen Anderson and other daughters of Arradoul, upon their bonds of provision, the assignation bearing the trust *in gremio*, and likewise the adjudication; and having, in place of discharges taken from him, as he did from the other creditors, bills for the sums paid, and Sir William being afterwards attainted of treason, the Lords found that Buckie could not have allowance of any part of the sum so paid out of the sums for which he had adjudged as trustee for them, 8th June last;—and this day adhered, *renit.* Justice-Clerk, Kilkerran, Dun, and Tinwald; notwithstanding a former decision quoted, 4th February 1732, in the ranking of the creditors of Calderwood of Pittodrie, in the question with the creditors of Merchiston.

No. 15. 1753, Jan. 23. CAPTAIN MOWAT *against* JEAN SPENCE.

THOMAS SPENCE purchased an heritable debt of 400 merks on the estate of Dalvenan, with many annualrents, and took the right in name of William Crawford, 1st February 1735, and died in 1736, leaving three daughters, Agnes, Jean, and Sophia; and after